

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

ARNULFO RODRIGUEZ,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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**Civil Action 4:18-cv-876-O
(Criminal No. 4:16-cr-029-O (4))**

ORDER RESOLVING PENDING MOTIONS

Defendant Arnulfo Rodriguez filed this case through a form Motion to Vacate under 28 U.S.C. § 2255. Mot. Vacate, ECF No. 1. Rodriguez previously filed a motion to receive copies of records at government expense, which was denied by the Court in an order entered on November 13, 2018. Mot. Copies, ECF No. 5; Order, ECF No. 7. Notwithstanding the Court's prior order, Rodriguez has again filed a motion to receive documentation from the Court pursuant to 28 U.S.C. § 2250. That motion will be denied for the reasons already stated in the prior order.¹

Rodriguez has also filed a motion seeking to have this Court "compel attorneys to deliver all contents of criminal file to defendant." Motion to Compel Attorneys, ECF No. 10. But Rodriguez provided copies of a handwritten correspondence from his trial and appellate counsel, Robert Herrington, that translates to state "Here are the copies of original of all documents that I have. Other documents exist but only in electronic form which I have no way of recovering or sending." Motion to Compel Attorneys Exhibit D, ECF No. 10. And, Rodriguez provided a copy of a letter from counsel that appeared to assist him with a petition for a writ of certiorari, Danny Burns, that

¹To the extent Rodriguez seeks copies of the § 2255 motion and orders issued by the Court in this case, the Clerk of Court is directed to send one-time courtesy copies of the § 2255 Motion (ECF No. 1), the Notice and Instructions to Parties (ECF NO. 2), and all orders issued in this civil case.

informed Rodriguez that “I do not have your records.” Motion to Compel Attorneys Exhibit B, ECF No. 10. Thus, it appears the attorneys have provided copies of the records they have. Furthermore, Rodriguez has not provided any authority in support of his motion, and short of that, the Court finds that the motion must be denied.

The government has also moved for an extension of time to file a response to the Motion to Vacate under 28 U.S.C. § 2255 in this matter. Government’s Motion for Extension, ECF No. 12. After review and consideration, the Court finds that the motion for extension should be granted.

It is therefore **ORDERED** that Arnulfo Rodriguez’s December 31, 2018 motions to receive copies of records and to compel attorneys to deliver copies of documents (ECF Nos. 10 and 11) are **DENIED**.

It is further **ORDERED** that the motion for an extension of time (ECF No. 12) is **GRANTED**. The time for the government to file a response to the § 2255 Motion to Vacate consistent with the terms of the November 13, 2018 Order and Instructions to Parties in a Motion Under 28 U.S.C. § 2255, is extended until **February 13, 2019**. Defendant may file any reply within 30 days following service of the response.

SO ORDERED this **14th day of January, 2019**.


Reed O'Connor
UNITED STATES DISTRICT JUDGE